

### **REMARKS**

Applicants claimed invention relates to retroreflective elements suitable for use in pavement markings, pavement marking comprising retroreflective elements, and a method of making retroreflective elements. Various other retroreflective elements are known such as described in U.S. Patent Nos. 3,418,896 and 5,750,191 and 6,247,818 cited on pp. 1-2 of Applicant's patent application as well as U.S. Patent No. 5,835,271, cited by the Examiner. To more clearly describe Applicant's retroreflective element, Claims 1 and 11 have been amended to recite a retroreflective element having an outside diameter ranging from about 0.5 mm to 4 mm. This amendment is supported by the specification at p. 14, lines 17-22.

### **§ 102 Rejections**

Claims 1-8 stand rejected under 35 USC § 102(b) as being anticipated by Slood (US 2002/0186472). With regard to claim 1, the Examiner stated that "Slood discloses a retroreflective elements (see figure 2a, numeral 15) having an exposed outer surface (fig 2a) comprising optical elements 15 (area prisms) and an interior cavity (inner area of cylinder)."

The Applicant submits that Slood is directed to a method and apparatus for making retro-reflective articles (such as retroreflective sheeting). As stated at paragraph [0031], "Fig. 2a is a greatly enlarged side perspective view of a prismatic cylindrical mold showing how large cube corner prisms can be meshed together." The prismatic cylindrical mold of Slood is not a retroreflective element suitable for pavement markings. As described at paragraph [0053], such "tool would have been made to a size perhaps 9" x 10" . . . "

Claims 11-13 and 16-21 stand rejected under 35 USC § 102(b) as being anticipated by Rega et al. (US 6054208). The Examiner states that "Regarding claim 11, Rega et al. discloses a retroreflective element (see Rega et al. Fig 3) having an exposed outer surface (37) comprising optical elements (36) and a discreet interior layer (32) comprising optical elements (31).

The Applicant submits that Rega et al. is directed to an enclosed lens or encapsulated lens retroreflective sheeting having an image bearing aliphatic urethane cover sheet or film. Although the retroreflective sheeting of Rega et al. has an interior layer comprising optical elements, the

retroreflective sheeting of Rega et al. does not have an exposed outer layer comprising optical elements. As described at column 20, line 62 of Rega et al., reference numeral 36 is a discontinuous image not an optical element. Further, Rega et al. fails to describe the sheeting in a physical form having an outside diameter ranging from about 0.5 mm to 4 mm.

With regard to claim 16, the Applicants submits that the ordinary meaning of the word about is “all around, on every side”. Assuming that a cover sheet is an elongated member, the Applicants submits that Rega et al. teaches bonding retroreflective sheeting to only one side of the cover sheet rather than all around, on every side. Accordingly, the Rega et al. fails to teach all the claim limitations.

Claims 14-15 stand rejected under 35 USC § 102(b) as being anticipated by Hedblom et al. (US 6479132).

Claim 14 has been amended to include the features of claim 15 and to recite retroreflective elements having an exposed outer surface comprising optical elements having approximately the same refractive index. The amendments to claim 14 are supported by original claims 14 and 15 and p. 20, lines 10-11. Such amendments are believed to obviate the rejection.

### **§ 103 Rejections**

Claims 9 and 10 stand rejected under 35 USC § 103(a) as being unpatentable over Slood (US 2002/0186472) in view of Rega et al. (US 6054208).

In view of the amendment to claim 1, the rejections of claims 9 and 10 are believed to be moot.

The Applicant has responded to all the rejections set forth by the Examiner. A timely allowance is respectfully requested.

Respectfully submitted,

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